

# WAC 173-350, Solid Waste Handling Standards, Rule Update

## Ecology Issues Document (October 2010)

The Washington Department of Ecology (Ecology) has identified sections and topics in WAC 173-350, Solid Waste Handling Standards, that *may* be amended. This document is not a complete list of issues; rather, it is a starting point. Other sections not cited in this document may also be amended. The list of issues will continue to grow as Ecology receives comments on the rule from interested persons throughout the rule update process.

**IMPORTANT!** To receive email notifications and information about this rulemaking, please sign up for the [LISTSERV](#). **All future correspondence on the 350 rule process will be sent via the LISERV.** Visit the rule web site at <http://www.ecy.wa.gov/programs/swfa/rules/rule350.html> to sign up for the LISERV, comment on the current rule, and get more information about how you can participate in the rule development process.

### General Issues

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- **Anaerobic digesters.** Consider a new section for anaerobic digesters outlining exemptions in RCW 70.95.330, Qualified Anaerobic Digesters Exempt from Permitting Requirements.
- **Processing and/or performance standards.** Review processing and/or performance standards for solid waste facilities.
- **Exempt facilities and closure.** Require exempt facilities to notify Jurisdictional Health Departments (JHD) and Ecology of closure, and remove and properly dispose of waste prior to closure.
- **Organic materials.** Define and explore additional exemptions to recover/recycle organic materials.
- **Soils/earthen materials.** Consider a new soils/earthen material section and clarify when a soil or earthen material is or is not a solid waste.
- **Operating requirements.** Ensure that plans have enough detail to demonstrate that the facility will be operated in accordance with the rule and as required by the Jurisdictional Health Department (JHD).
- **Record keeping and reporting.** Eliminate duplicative record keeping and reporting requirements.
- **Other.** Address other issues such as clarifications, making formatting changes, and ensuring that the rule is consistent with other rules, laws and policy decisions.
- **WAC 173-345, Recyclable Materials - Transporter and Facility Requirements.** Consider moving WAC 173-345, into WAC 173-350, Solid Waste Handling Standards, and repeal WAC 173-345.

### Section 100 – Definitions

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Ecology receives many questions about the following definitions, topics or issues. Clarify or add definitions for:

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|-----------------------------|---|
| • aerobic composting        | • inert waste                           |
| • beneficial use            | • limited moderate risk waste           |
| • controlled composting     | • product (and its relation to a waste) |
| • conversion technologies   | • product take back centers             |
| • household hazardous waste | • recycled organic products             |

## **Section 100 – Definitions continued**

- recycling
- soil amendment
- source-separated recyclables
- type 1 – type 4 feedstocks
- vegetative food processing waste (VFPW)
- waste (and its relation to a product)
- waste tires
- wood
- yard debris.

## **Section 200 – Beneficial Use Permit Exemptions**

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Clarify or address the following:

- beneficial use definition as it relates to the facility and section -200 permit exemptions
- soil amendment subsection; the current focus is on agriculture but engineering is also possible
- soil amendment definition (as it relates to beneficial use)
- storage prior to use may require permitting
- review and incorporate, as appropriate, Beneficial Use Determination (BUD) requirements from other states
- explore opportunity to list BUDs in rule to streamline uses of certain solid wastes
- clarify that BUD is *not* an alternative to local permitting for solid waste handling facilities.

## **Section 210 – Recycling**

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Clarify or address the following:

- minimum requirements for recordkeeping and reporting
- minimum notification requirements
- recycling as it relates to residual waste
- residual waste and permit exemption requirements, such as five percent of the total waste received by weight per year, or ten percent by weight per load
- permit exemptions related to product take-back centers.

## **Section 220 – Composting Facilities**

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Clarify the following:

- Type 1 – Type 4 feedstocks; identify feedstocks that the word “putrescible” does (or does not) apply to
- permit exemptions
- processing and/or performance standards
- “aerobic” and “controlled” separately as they relate to processing compost
- waste and product such as recycled organic products
- wood waste and wood-derived fuel compared to yard debris, including landscaping debris and land clearing debris
- definitions that reference new technologies for processing organic materials
- biosolids as a feedstock; biosolids composting
- pad design standards
- testing parameters for stability, metals, contaminants and pathogens
- testing frequency and variances and lab accreditation
- finished compost/inventory management plan and plan of operations.

## **Composting Facilities continued**

Address the following:

- odor issues at permitted facilities
- public review of permits
- inconsistencies between air quality requirements and compost standards
- movement of material on-site (also known as throughput)
- product quality
- additional permit exemptions that increase capacity to recover and recycle organic materials (volume and feedstock)
- commercial vermicompost facilities
- stability of compost product and temperatures
- pathogen reduction (currently only Type 2 – 4 feedstocks must meet pathogen control parameters)
- financial assurance requirements to ensure post closure success
- on-site management of finished compost.

## **New Section – Soils and Earthen Materials**

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Clarify or address the following:

- earthen materials
- contaminated soils
- blends of soil and solid wastes
- municipal street wastes (also known as vector waste and street sweepings)
- topsoil
- when an earthen material is or is not a solid waste
- where project proponents, contractors, and material generators can take their dredged sediment and if it can be used as upland fill or disposed of in a landfill
- criteria for exemptions, exclusions, and conditional exclusion
- beneficial use and definitions related to earthen material and solid waste mixes.

## **Section 230 – Land Application**

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Clarify or address the following:

- materials that have received a “Beneficial Use Determination (BUD)” or registration as fertilizer
- exemptions related to:
  - piles associated with land application sites
  - crop residue
  - vegetative food processing waste
  - industrial solid waste
  - land application at agronomic rate
- quantity exclusions
- definition of vegetative food processing waste and the relation to compost feedstocks
- biofuels residuals
- soil tests and frequency.

## **Section 240 – Energy Recovery and Incineration Facilities**

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Clarify or address the following:

- energy conversion technologies
- “refuse-derived” fuel per day
- use of wood materials for energy recovery.

## **Section 310 – Intermediate Solid Waste Handling Facilities**

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Clarify or address the following:

- reporting information from material recovery facilities (MRFs)
- notification forms for operations/engineering and plan of operations as part of the notification process
- exemptions related to permitting and reporting requirements for product take-back centers.

## **Section 320 – Piles Used for Storage and Treatment**

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Clarify or address the following:

- exclusion or exemptions for piles of “de minimis” volume
- piles for storage of feedstock waste materials at anaerobic digester facilities
- piles for storage of manure and crop residue at land application sites
- piles for storage of material at a site with a beneficial use determination
- residence time requirements for a continuous pile; methods for determining compliance with the residence time requirements; relationship of residence times to flow of materials through the facility
- abandoned pile(s)
- wood waste and inert piles (related exemptions)
- notification requirements for exempt facilities
- conditional exemption threshold requirements
- operating standards for flood, fire, combustion, and vector control.

## **Section 330 – Surface Impoundments and Tanks**

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Clarify or address the following:

- applicability pertaining to facilities with surface impoundments or tanks that are regulated under local, state or federal water pollution control permits
- annual report and leak detection monitoring
- corrective action associated with identified leaks.

## **Section 350 – Waste Tire Storage and Transportation**

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Clarify or address the following:

- waste tire forms/types, such as baled, bundled, shredded, and crumb tires
- abandoned waste tires
- waste and/or product issues for waste tires that are stored for more than 3 years
- speculative accumulation of tires, specifically bale storage
- pile size and storage
- hauler licensing.

## **Section 360 – Moderate Risk Waste Handling**

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Clarify or address the following:

- Moderate Risk Waste (MRW) education and outreach
- engineering/design standards for fire suppression (standards vary by local fire districts)
- notification requirements, design standards, tightness testing, operating standards
- record keeping and reporting requirements
- incident notification
- segregation requirements
- financial assurance
- product take-back centers.

## **Section 400 – Limited Purpose Landfills**

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Clarify or address the following:

- groundwater monitoring
- sampling and analysis
- placement of gas monitoring
- reporting
- permit application content.

## **Section 410 – Inert Waste Landfills**

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Clarify or address the following:

- relationship between Department of Natural Resources (DNR) regulations and WAC 173-350
- threshold volume
- permit application content.

## **Section 500 – Ground Water Monitoring**

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Clarify or address the following:

- sampling and reporting.

## **Section 600 – Financial Assurance**

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Clarify or address the following:

- use of state prevailing wages in calculations.

## **Sections 700 through 715 – Permits**

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Clarify or address the following:

- SEPA compliance
- permit validity
- variance(s) from design or operating standards
- when licensed engineers must “stamp” facility designs
- meaning of a complete application
- enforcement language from statute (RCW 70.95).

## **Section 900 – Corrective Action**

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Clarify or address the following:

- sampling intervals
- the role of the Jurisdictional Health Department (JHD)
- facilities that meet the Model Toxics Control Act (MTCA) cleanup standards but are still above standards in WAC 173-200, Water quality Standards for Ground Waters of the State of Washington.

## **Section 990 – Criteria for Inert Waste**

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Clarify or address the following:

- inert waste properties and applicability
- relationship between Department of Natural Resources (DNR) regulations and WAC 173-350
- pH range
- cured concrete
- crushed concrete
- other wastes such as roofing materials, Portland Cement, “shot crete”, “jet grout”, and drill borings.